

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**WENDY DEAN,**

**Plaintiff,**

**V.**

**LEE COUNTY and the LEE COUNTY  
COMMISSION,**

**Defendants.**

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**CIVIL ACTION NO.: 3:05-cv-758-WHA-CSC**

## **JOINT MOTION TO CONTINUE TRIAL TO NEXT TERM**

COME NOW the parties in the above-styled cause and respectfully request this Court to continue the trial of this matter to the Court's next term and in support thereof state as follows:

1. This is a claim brought by Plaintiff pursuant to the Americans with Disabilities Act seeking the removal of architectural barriers to access at the T. K. Davis Justice Center in Opelika.

2. This matter is currently set for trial on July 18, 2006 and for a pretrial conference on June 5, 2006.

3. The parties jointly request that this matter be continued until the next term so that this case shall be set for trial on December 4, 2006 and for pretrial hearing on October 30, 2006.

4. The parties are negotiating in good faith toward an amicable resolution of this matter. Plaintiff has already forwarded her expert's report to Defendant and is awaiting Defendant's expert report. The parties have learned that a renovation was already planned of the subject property and are hopeful that the modifications requested by our mutual experts can be included within the planned renovation. The parties are in need of additional time to further

explore settlement options in the hope of minimizing litigation costs and the Court's involvement.

5. The parties are filing a revised report of parties' planning meeting, per the Court's instructions, contemporaneously herewith to request revised deadlines in accordance with the previous orders of this Court. Specifically, the dispositive motion deadline shall be no later than ninety (90) days prior to the October 30, 2006 pretrial hearing and all revised deadlines shall be requested with this fact in mind.

6. This motion is filed in good faith and is not interposed for purposes of delay, but rather to minimize potentially unnecessary litigation expenses to the parties.

Respectfully submitted this the 3rd day of February 2006.

s/ Edward I. Zwilling

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s/ Scott W. Gosnell

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